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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,806	10/19/2000	Marco Winter	PD990062	5386
24498	7590	09/10/2004	EXAMINER	
THOMSON MULTIMEDIA LICENSING INC JOSEPH S TRIPOLI PO BOX 5312 2 INDEPENDENCE WAY PRINCETON, NJ 08543-5312			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	5
DATE MAILED: 09/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/691,806

Applicant(s)

WINTER ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8 and 15 is/are allowed.
- 6) ☒ Claim(s) 9-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 9, 12 and 15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim .

Claim 12 depends on both claims 10 and 6. See MPEP § 608.01(n).

Accordingly, the claim 12 has not been further treated on the merits.

In claim 9, line 14, there is no antecedent basis for "the previous run – length decoding."

The recitation "in each cases" in claim 15 is unclear, since claim 15 do not recite the difference between one case and another case.

Claim Rejections - 35 USC § 112

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 5 the recitation "method according to claim 1" is indefinite since claim 1 has been canceled .

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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4. Claims 9-14 and 16-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16-17 direct to information stored on a medium. However, the information does not provide any functional interrelationship to the medium to control medium and access the stored information and does not impart to any structural software and hardware components to perform certain function that s processed by a computer, the information does not make it statutory (See MPEP 2100).

It is noted that in the body of claims, there is no function of the stored information is recited since the recitation that show how a controlling is accomplished is not found in the body of claims.

Claims 9-14 direct to information unit (data) . However, the information unit does not provide any functional interrelationship to a medium to control the medium and access the store information from the medium and/or impart to any structural software and hardware components to perform certain function that s processed by a computer and /or location of the claimed information , the information does not make it statutory (See MPEP 2100).

Further, it is noted that the claimed information is non-function information since claims do not show the location of the information and how the "controlling" is accomplished by any means and information .

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 9-14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamura et al (5,758,007).

Regarding claim 9, Kitamura discloses a picture data unit for use in an electronic appliance, in particular a consumer electronics appliance, wherein the sub-picture data unit contains a picture sequence which has been coded using a method according to Claim 1, having a data area (21) for the pixel values of the pictures in the picture sequence and having an instruction area (22) for displaying control instruction sequences (SP DCSQ), characterized in that the display control instruction sequences (SP DCSQ) contain an instruction which sets the pointer for the start address of the run-length decoding in each case such that the run-length decoding then starts at different pixels in the object picture, in such a way that, in comparison to the previous run-length decoding, the start of the run-length decoding is shifted through as many pixels to the right or left as the object picture is intended to be shifted in accordance with the desired movement, and in that the display control instruction sequences contain

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an instruction which defines the way in which the combined pixels of a combined picture piece are to be evaluated in associated areas (Figs. 32-33, 42-45, 7, columns 15-16 and 32-34).

Regarding claim 10, Kitamura further teaches the sub-picture data unit is designed for use in a DVD appliance (column 8).

Regarding claim 11, Kitamura further teaches the display control instruction sequences (SP DCSQ) contain the display control instruction SET DSPXA defined in the DVD standard in order to shift the run-length decoding pointer (Fig. 32-34).

Regarding claim 12, Kitamura further teaches each of the pixel types A, B, C, D defined in Claim 6 is assigned in a mathematically unique manner one of the pixel types (defined in the DVD Standard) "Background Pixel", "Pattern Pixel", "Emphasis-1 Pixel" and "Emphasis-2 Pixel" (Figs. 40-41).

Regarding claim 13, Kitamura further teaches the display control instruction SET COLOR or CHG COLCON is used in a display control instruction sequence (SP DCSQT) in order to define the way in which the combined pixels of a combined picture piece are to be evaluated in associated areas (Fig. 34).

Regarding claim 14, Kitamura further teaches in particular a DVD disk, having a sub-picture data unit (column 8).

Regarding claim 16, Kitamura discloses a disk medium having recorded thereon a DVD compatible signal including coded signals representative of sub-pictures and including data for controlling the decoding and display thereof, DVD compatible signal comprising (Figs 1-5);

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a sub picture sequence having; a data area for pixel values of said sub pictures of said sequence (Figs. 3-5, 32-33); and,

an instruction area having control instructions for display of said sub picture sequence, said control instruction sequences including an address pointer for starting run length decoding, wherein successive pointer addresses start run-length decoding at predetermined different pixels values in the sub picture to cause a predetermined motion and direction of the sub picture formed within a display picture (figs. 42-43)

Regarding claim 17, Kitamura further teaches the display control instruction sequences additionally includes an instruction defining processing of combined pixels of a combined picture piece (Fig.7).

Allowable Subject Matter

7. Claims 15 and 2-8 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Park teaches a apparatus for decoding the subpicture .

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER